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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.11.2021

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THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.No.25019 of 2017

and

W.M.P.No.26406 of 2017

Madras Hydraulic hose Pvt Ltd.,
HTSC No.1484,
D-16(S), SIPCOT Industrial Complex,
Gummidipoondi - 601 201.

By its Vice Chairman T.Ajay

...Petitioner

..Vs..

1.Tamil Nadu Electricity Regulatory
Commission repd., by its Secretary,
19-A, Rukmini Lakshmipathy Salai,
(Marshall's Road)
Egmore, Chennai - 600 008.

2.The Chairman,
Tamil Nadu Generation and Distribution Corporation Limited,
144, Anna Salai, Chennai - 600 002.

3.Director Finance
Tamil Nadu Generation and Distribution Corporation Limited,
144, Anna Salai, Chennai - 600 002.

4.The Chief Financial Controller,
Tamil Nadu Generation and Distribution Corporation Limited,
144, Anna Salai, Chennai - 600 002.

5.The Superintending Engineering,
TANGEDCO, Coimbatore Electricity Distribution Circle/Metro,
Coimbatore.

6.The Superintending Engineer,
TANGEDCO,
Tirunelveli Electricity Distribution Circle,
Tirunelveli.

...Respondents



PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents and their men, agents from collecting current consumption charges, demand charges and any arrears from the petitioner until the respondent makes payment of the outstanding dues of Rs.19,02,045/- (for the year of 2014-2015 and 2015-2016) payable to the petitioner or give adjustment in the current consumption charges payable by the petitioner till the entire amount is adjusted.

For Petitioner : Mr.S.P.Parthasarathy

For Respondents : Mr.Abdul Kalam
Standing Counsel

O R D E R

This Writ Petition has been filed praying to issue a Writ of Mandamus, to forbear the respondents and their men, agents from collecting current consumption charges, demand charges and any arrears from the petitioner until the respondent makes payment of the outstanding dues of Rs.19,02,045/- (for the year of 2014-2015 and 2015-2016) payable to the petitioner or give adjustment in the current consumption charges payable by the petitioner till the entire amount is adjusted.

2. The Petitioner, in this writ petition, is the owner of the Wind Mill, which is generating the electricity and selling it to the Respondent Board and for the purpose of captive consumption for their spinning mills and the excess amount of energy generated was transmitted to the TANGEDCO and in turn the Electricity Board used to utilize the excess electricity.

3. The grievance of the petitioner is that though they have transmitted excess electricity to the TANGEDCO over a period of 2 years, they have not made any payment. The petitioner has made a request to make adjustment in some cases where the Electricity Board has raised bills against the petitioner, in the event of less amount of electricity was generated by the petitioner's Wind Mill, the electricity was supplied by the TANGDECO.

4. Now it is the contention of the learned counsel appearing for the petitioner that the amount due to the petitioner may be adjusted by the Electricity Department against



the outstanding dues payable by the petitioner to the TANGEDCO, which request was not acceded to. Therefore, the petitioner is constrained to move the present writ petition.

5. It is brought to the knowledge of this Court that pursuant to the interim orders passed by this Court in similar Writ Petitions, the respondent TANGEDCO have adjusted the said amount towards the dues payable by the petitioner. Therefore, the learned counsel for the petitioner submits that no further orders are necessary and the matter has become infructuous.

6. Though this matter has become infructuous, this Court like to state certain things, that whenever excess electricity is generated by the petitioner, the same has to be transmitted to the EB Department in such cases, the Board has to necessarily make payment in time for such excess electricity transmitted failing which, the same shall be treated as a commercial dealing and they are liable to pay interest at 12% p.a. for the period where the outstanding due is more than 60 days, unless both the parties agreed otherwise. Further, the TANGEDCO shall adjust the amount due and payable to the petitioner against the arrears of EB charges payable to the respondent. Hereinafter, the TANGEDCO shall follow this order in letter and spirit in future without driving the parties to approach this Court, any more.

7. With the above, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

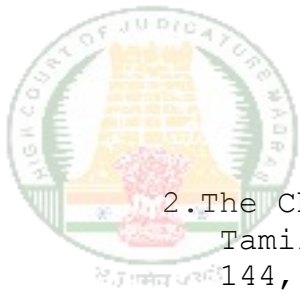
SD/-
ASSISTANT REGISTRAR

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SUB ASSISTANT REGISTRAR

Pns
To

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Tamil Nadu Electricity Regulatory Commission
19-A, Rukmini Lakshmipathy Salai,
(Marshall's Road)
Egmore, Chennai - 600 008.



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